

REMARKS

In view of the following remarks responsive to the Final Office Action dated December 7, 2005, the Applicants respectfully request favorable reconsideration of this application.

The Office has maintained its previous rejections of claims 1, 2, 5, and 27–33 as anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,819,710 to Dupuis, notwithstanding the Declaration under 37 C.F.R. 1.131 filed on July 20, 2005. The Office has allowed claims 9–26, and objected to claims 4, 6–8, 34 and 35 as depending from rejected claims.

In Applicants' Response filed July 20, 2005, Applicants demonstrated that the effective date of Dupuis is June 26, 2000 and filed a declaration under 37 C.F.R. 1.131 to establish that Dupuis is not prior art to the present invention. The Office refused to consider the July 20, 2005 declaration on the grounds that: (a) the time period between June 21, 2000 and June 28, 2000 was not accounted for, and (b) the inventors did not state that the events relating to the conception coupled with due diligence leading to the reduction to practice of the instant invention occurred either in this country, a NAFTA country, or a WTO member country.

Accordingly, Applicants submit herewith an amended declaration under 37 C.F.R. 1.131 to address the alleged deficiencies in the previously filed declaration. In the amended declaration, the inventors have clarified that from June 21, 2000 through June 28, 2000, they and their attorney were respectively engaged in reviewing a final draft of the application and preparing the transmittal papers for filing the application, and

that the events relating to the conception coupled with due diligence leading to the reduction to practice of the instant invention occurred in this country.

As such, Applicants submit that the amended declaration properly establishes that they had conceived of and reduced to practice the invention claimed in each of rejected claims 1-15 prior to the effective date of Dupuis. Because Dupuis is not prior art to any claim of the present application, all claim rejections are rendered moot.

In view of the foregoing remarks, Applicant asserts that the pending claims are in condition for allowance and respectfully request that the Office issue a Notice of Allowance at the earliest possible date. The Office is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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Dated

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RESPONSE TO 12-07-05 OA